

President Bush Announces IDEA Commission; Names Participants

On October 3rd President Bush issued an Executive Order announcing the creation of a Commission on Excellence in Special Education. The Commission has been charged to make recommendations for improving the educational performance of students with disabilities and to issue a report by April 30, 2002. The report will include an examination of research on the effectiveness and cost of special education and the appropriate role of the Federal Government and an analysis of the factors that have contributed to the growth in costs of special education. The Commission is also tasked with analyzing and making recommendations on:

- how federal resources can best be used to improve educational results for students with disabilities; a recommended special education research agenda;
- an analysis of the impact of providing appropriate early intervention in reading instruction on the referral and identification of children for special education; the effect of special education funding on decisions to serve, place, or refer children for special education services and recommendations for alternative funding formulae that might distribute funds to achieve better results and eliminate any current incentives that undermine the goals of ensuring that children with disabilities receive a high-quality education;
- how the Federal Government can help States and local education agencies provide a high-quality education to students with disabilities, including the recruitment and retention of qualified personnel and the inclusion of children with disabilities in performance and accountability systems;
- the impact of Federal and State statutory, regulatory, and administrative requirements on the cost and effectiveness of special education services, and how these requirements support or hinder the educational achievement of students with disabilities;
- how differences in local educational agency size, location, demographics, and wealth, and in State law and practice affect which children are referred to special education, and the cost of special education; and
- the experiences of State and local governments in financing special education, and an analysis of whether changes to the Federal "supplement not supplant" and "maintenance of effort" requirements are appropriate.

The Executive Order can be found on line at:

<http://www.whitehouse.gov/news/releases/2001/10/20011003-12.html>

The following individuals have been named to the Commission:

- Terry Edward Branstad, former governor of Iowa who will serve as Chairman;
- Adela Acosta, an elementary school principal from Prince Georges County, Maryland;
- Steve Bartlett of Texas, former congressman from Texas;
- Paula C. Butterfield, Deputy Superintendent of the Pittsburgh, PA school district;
- Jay G. Chambers, senior fellow at the American Research Institute and codirector of the Center For Special Education Finance (California);
- W. Alan Coulter, University of Louisiana Medical School and a special education consultant;
- Thomas Albert Flemming, a former special ed student and former teacher of the year, from Michigan;
- Jack M. Fletcher, a neuropsychologist at the Department of Pediatrics, Center for Academic and Reading Skills, University of Texas at Houston Health Science Center;

- Douglas H. Gill, Director of Special Education for the State of Washington;
- David W. Gordon, Superintendent of the Elk Grove School District in California, the 12th largest district in the state;
- Nancy S. Grasmick, Maryland Commissioner of Education;
- Bryan C. Hassel, an expert on charter schools and author of several chapters in the Fordham Foundation book on Rethinking Special Education, of North Carolina;
- Douglas Carl Hunt, Assistive Technology Director from Ohio;
- Michael J. Rivas of Texas;
- Cheryl Rei Takemoto, Director of the Virginia Parent Education Advocacy Training Center; and
- Katie Wright of Illinois.

The Commission's executive director is C. Todd Jones, who currently serves as deputy assistant secretary for enforcement in the Office of Civil Rights in the Department of Education. The following Administration officials will serve ex officio: Elizabeth Ann Bryan, counselor to Secretary Paige, Edward Sontag, Robert Pasternack, Assistant Secretary for OSERS, Reid Lyon from NICHD, and Wade F. Horn, Assistant Secretary for Family Support at HHS in charge of welfare, Head Start, child care and child welfare.

We will provide additional information on the Commission members and the work of the Commission as soon as it becomes available to us.

House Subcommittee Appropriates Increase for Education Spending

Also on October 3rd, the House Appropriations Subcommittee for Labor/HHS/Education voted on the following appropriations for FY 02 for education programs:

IDEA Part B State Grants:	\$7.715 billion, a 22% increase over FY 01 appropriation
IDEA Preschool Grants:	\$390 million, level funded
IDEA Infants and Children:	\$430 million, up 12% over FY 01 appropriation
IDEA Personnel Preparation:	\$90 million, up 10% over FY 01 appropriation
Title I grants to states:	\$10.5 billion, up 20% over FY 01 appropriation
Reading First:	\$260 million
Early Reading First:	\$900 million, up from \$614 million in FY 01

We are concerned about the preschool grant program being level funded yet again. We are working with Senator Harkin's staff (he chairs the Senate Appropriations Subcommittee on Labor/HHS/Education) to see if we can get an increase in the Senate bill.

Action: The following senators are on the Senate Labor/HHS/Education Subcommittee. Please contact them and urge them to support increased funding for this program.

Arlen Specter (PA)	Tom Harkin (IO)
Thad Cochran (MS)	Ernest Hollings (SC)
Judd Gregg (NH)	Daniel Inouye (HI)
Larry Craig (ID)	Harry Reid (NV)
Kay Bailey Hutchison (TX)	Herb Kohl (WI)
Ted Stevens (AK)	Patty Murray (WA)
Mike DeWine (OH)	Mary Landrieu (LA)

The Subcommittee also recommended funding the Assistive Technology Grant Program at the President's requested level, \$60.888 million. The detail provided does not break down that sum between Titles I and III. Congressman Steny Hoyer (D-MD) spoke at the mark-up in favor of the Tech Act program and urged his colleagues to agree to technical amendments that would extend funding for the nine states that would otherwise be eliminated under provisions of current law. He said that members were close to agreement and was optimistic that this could be worked out before the full Committee meeting.

After the markup, Rep. Hoyer indicated that the Committee would most likely agree to waive the sunset provision, but not the amendments that would guarantee minimum grants of \$500,000 for the State Projects and \$100,000 for the Protection and Advocacy programs. Instead, they anticipate language that would provide enough money for Title I to fund all states, the P&A system and the technical assistance grants at their FY 2001 level.

The full Committee on Appropriations will meet on Tuesday, October 9th. The next day, the Senate Appropriations Subcommittee will mark up its bill. On Thursday, October 10th, the House will vote on the appropriations bill and the Senate Committee on Appropriations (the full committee) will mark up its version.

Invitational Meetings on OSEP Reauthorization

By now you have all heard that OSEP is sponsoring seven meetings around the country on IDEA reauthorization. In addition to the public meetings, OSEP will be holding invitation-only meetings the same day. State directors are invited to these meetings. Attached to this email are the invitations to both the public and private meetings. You may want to attend both meetings to hear what everyone is saying. Please let us know if you plan to attend any of these meetings. (email me at nreder@nasdse.org)

OSEP To Host Webcast on Monitoring

On Tuesday, October 9th, OSEP will be hosting a panel discussion on focused monitoring. The discussion will be web cast from 12-1:30 pm, eastern time. An announcement from OSEP about the web case is attached to this email. The participants include Dr. Robert Pasternack, Assistant Secretary, OSERS; Cassandra Archie, the Advocacy Center; Dr. Martha Brooks, Delaware State Director of Special Education, and Dr. W. Alan Coulter, University of Louisiana Medical School.

This is an interactive web cast. You can fax your questions before the program to Larry Wexler at (202) 205-9179. He wants them by 2 pm this afternoon. (Don't blame me, I just got the announcement!) During the program, you can send questions through the web cast site. The attached announcement also tells you how to download software to be able to receive the web cast, if you don't already have the software installed on your computer. The web site address for the broadcast is: <http://www.connectlive.com/events/OSERS>

House Holds Hearing on Overidentification

Secretary Rod Paige testified yesterday before the House Committee on Education and the Workforce. The hearing was billed as a hearing on overidentification, but at least one-half of the hearing was spent talking about full funding for IDEA. Secretary Paige reiterated what the Administration has been saying for some time, e.g., that the Administration is opposed to

mandatory funding in the context of the ESEA bill. He believes that the money is ineffective if not tied to accountability and reforms.

Secretary Paige identified what he thought were several critical issues: (1) the system fails to teach basic skills and then identifies these children as disabled; (2) children are identified too late; (3) minority overidentification is a problem; (4) how well are students with disabilities being served? We tend to focus on the process, not on results; and (5) the amount of paperwork is discouraging people from entering the profession.

In his prepared remarks, Secretary Paige also announced the creation of the President's Commission (see above). The Secretary missed an opportunity to comment on the Department's year-long effort on focused monitoring, an effort that has the joint support of IDEA stakeholders throughout the country. He did note that the Department's efforts to better enforce the proper use of IDEA funds include monitoring, resource allocation, and research and technical assistance. He also commented that he thought states were having difficulty in spending the increased funding that they received in FY 01.

Ranking member George Miller (CA) asked Secretary Paige that if the program needs additional funding, why will that be true next year and not this year? Rep. Miller, an advocate of full funding for IDEA, blasted the Secretary for not coming prepared to the hearing to discuss the link between full funding and overidentification. Miller stated that he thought the problems in IDEA were due in part to the lack of sufficient funds to carry out the law.

Under questioning from Rep. Castle, Paige said that we need more research to determine if there is discrimination in the referral and labeling of African-American children as disabled.

Acknowledging that children with disabilities need additional support, Secretary Paige said that we shouldn't assume that mandatory funding will automatically produce results.

Those Committee members in attendance at the hearing were split along party lines in their support/nonsupport of full funding for IDEA. The Democrats appeared to support full funding, while the Republicans did not.

Other witnesses before the committee included Rep. Chaka Fattah (D-PA) who spoke about the problem of overidentification. But he also focused on the lack of resources in schools that poor and minority children attend. He identified such issues as the critical need to put a qualified teacher in every classroom, to recruit more minority teachers, and to put more resources, e.g., new textbooks and computers, in all classrooms. He commented that if special education is what it should be, then children in special ed would be more likely to succeed. He expressed concern about the low expectations for special education students. In response to a question, he said that there is not a link between overidentification and funding, that there are no longer financial incentives in the law to identify students for special education.

The final two witnesses were Thomas Hehir, former OSEP Director, U.S. Department and currently a professor at Harvard's Graduate School of Education and Dr. Matthew Ladner, Policy Director at Children First America. Dr. Hehir noted that overrepresentation in some areas of special education may be due to other factors, such as poverty, poor health and/or the lack of health insurance. He commented that the failure to provide adequate federal funding may exacerbate the problem of overidentification. He also said that Reid Lyon's recommendations on early identification of children at risk of having reading difficulties and intensive intervention could help alleviate some of the problems with overidentification, but that schools lack the resources to implement them. Dr. Hehir's recommendations included: (1) increasing access to health services; (2) support for early intervention; (3) increasing

discretionary funding for research and teacher training; (4) improving monitoring and enforcement mechanisms; and (5) fully funding IDEA.

Dr. Ladner spoke briefing about research that he has conducted that noted that in those school districts with higher proportions of white students, there was a higher proportion of minorities in special education programs.

Copies of the witnesses' prepared comments will be available on the Committee's website, <http://edworkforce.house.gov/hearings/107th/fc/fchearings.htm>